

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

HELEN JIA (AKA JINGMIN ROGERS), an individual, SARAH SORMILLON, an individual, and all those similarly situated,

Plaintiffs,

VS.

Civil Action No. 3:17-cv-03057-S

NERIUM INTERNATIONAL, LLC, a Texas limited liability company, NERIUM SKIN CARE, INC., a Texas corporation, NERIUM BIOTECHNOLOGY, INC., a Texas corporation, NATURAL TECHNOLOGY, D/B/A NATURTECH, a Texas corporation, JEFF OLSON, an individual, RENEE OLSON, an individual, AMBER OLSON ROURKE, an individual, MICHAEL SHOURED, an individual, and DOES 1-10,

Defendants.

**APPENDIX IN SUPPORT OF MOTION BY DEFENDANTS NERIUM  
INTERNATIONAL, LLC, JEFF OLSON, RENEE OLSON, AND AMBER OLSON  
ROURKE TO REOPEN CASE AND ENTER DISMISSAL PURSUANT TO  
SETTLEMENT**

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Declaration of Gail Lane	App-05
Declaration of Harrison Brown	App-07
Exhibit 1 to Declaration of Harrison Brown	App-10

Dated: June 9, 2020

*Respectfully submitted,*

By: /s/ Harrison Brown

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OLSON, and AMBER OLSON ROURKE

**CERTIFICATE OF SERVICE**

On June 9, 2020, I caused the foregoing document to be electronically submitted to the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have caused all counsel of record to be served electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2), as follows:

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NATURAL TECHNOLOGY, INC., D/B/A NATURTECH

By: /s/ Harrison Brown  
Harrison Brown

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vs. §

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corporation, NATURAL TECHNOLOGY, §  
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JEFF OLSON, an individual, RENEE OLSON, §  
an individual, AMBER OLSON ROURKE, an §  
individual, MICHAEL SHOUHED, an §  
individual, and DOES 1-10, §

Defendants. §

**DECLARATION OF GAIL LANE**

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I, Gail Lane, declare as follows:

1. I am General Counsel for Nerium International, LLC ("Nerium").<sup>1</sup> I make this declaration of my personal knowledge, and could and would testify competently hereto.

2. Helen Jia ("Jia") and Sarah Sormillon ("Sormillon") (collectively, "Plaintiffs") and Nerium, Jeff Olson, Renee Olson, and Amber Olson Rourke (collectively, "Defendants") entered into a confidential settlement agreement to resolve their respective claims against each other, effective January 28, 2020 (the "Settlement Agreement").

3. The final specified precondition for entry of dismissal pursuant to the Settlement Agreement was completed on April 23, 2020.

4. On May 26, 2020, I contacted Blake Lindemann, counsel for Plaintiffs, by email to inquire about the status of the dismissal of the district court action and to advise that Defendants were considering a motion to enforce the Settlement Agreement. Mr. Lindemann did not respond.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 9th day of June, 2020, at Farmers Branch, Texas.

By: \_\_\_\_\_

Gail Lane

<sup>1</sup> Nerium International, LLC recently changed its name to "Neora, LLC." For convenience, to avoid confusion, and because all the events at issue in this case occurred while (or even before) the company's name was "Nerium International, LLC," Defendants will continue to refer to the company as "Nerium."

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an individual, AMBER OLSON ROURKE, an §  
individual, MICHAEL SHOUHED, an §  
individual, and DOES 1-10, §

Defendants. §

**DECLARATION OF HARRISON BROWN**

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I, Harrison Brown, declare as follows:

1. I am one of the attorneys at Blank Rome LLP responsible for handling this matter on behalf of Nerium International, LLC (“Nerium”),<sup>1</sup> Jeff Olson, Renee Olson, and Amber Olson Rourke (collectively, “Defendants”). I make this declaration of my personal knowledge, and could and would testify competently hereto.

2. Helen Jia (“Jia”) and Sarah Sormillon (“Sormillon”) (collectively, “Plaintiffs”) and Defendants entered into a confidential settlement agreement to resolve their respective claims against each other, effective January 28, 2020 (the “Settlement Agreement”).

3. Section 5 of the Settlement Agreement states that within five (5) calendar days following the completion of specified conditions:

(a) [Plaintiffs] will file dismissals with prejudice of their respective individual claims in the District Court Action and dismissals without prejudice of the putative class claims; (b) Jia will file a dismissal with prejudice of her claims in the Jia Arbitration; (c) Sormillon will file a dismissal with prejudice of her individual claims in the Sormillon Arbitration and dismissals without prejudice of the putative class claims; and (d) the [Defendants] will file dismissals with prejudice of their respective claims in the Jia and Sormillon Arbitrations. [Defendants] will prepare these documents for filing, form to be jointly approved, which approval shall not unreasonably be withheld.

The Settlement Agreement contains a confidentiality provision which restricts disclosure except under certain circumstances, including as required by law.

4. Upon completion of the final specified precondition to entry of dismissal under the Settlement Agreement on April 23, 2020 as set forth in the Declaration of Gail Lane filed concurrently herewith, on May 6, 2020, Blake Lindemann, counsel for Plaintiffs, approved the filing of stipulations of dismissal of the individual arbitrations commenced by Defendants against

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<sup>1</sup> Nerium International, LLC recently changed its name to “Neora, LLC.” For convenience, to avoid confusion, and because all the events at issue in this case occurred while (or even before) the company’s name was “Nerium International, LLC,” Defendants will continue to refer to the company as “Nerium.”



Plaintiffs. The respective arbitrators granted the stipulations and dismissed each of the individual arbitrations.

5. Defendants prepared a Notice of Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) (the “District Court Dismissal”) as required by the Settlement Agreement. A true and correct copy of the District Court Dismissal is attached hereto as **Exhibit 1**.

6. Plaintiffs have yet to file the District Court Dismissal as required by the Settlement Agreement.

7. On May 13, 18, 19, and 20, 2020, I emailed Mr. Lindemann and his co-counsel, Joe Kendall, to request that they file the District Court Dismissal. I have not received a response to any of these email messages.

8. On May 19 and 20, 2020, I attempted to contact Mr. Lindemann by phone to request that he file the District Court Dismissal. Both calls went to Mr. Lindemann’s voicemail, whereupon I left voicemail messages. I have not received a response to any of these voicemail messages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 9th day of June, 2020, at Los Angeles, California.

By: Harrison M. Brown  
Harrison Brown

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
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**NOTICE OF DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)**

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Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs Helen Jia (aka Jingmin Rogers) and Sarah Sormillon (collectively, “Plaintiffs”) voluntarily dismiss their individual claims with prejudice and their class claims without prejudice.

DATED: May 1, 2020

By: \_\_\_\_\_

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HELEN JIA and SARAH SORMILLON

**CERTIFICATE OF SERVICE**

On May 1, 2020, I caused the foregoing document to be electronically submitted to the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have caused all counsel and/or *pro se* parties of record to be served electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2), as follows:

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By: /s/ Blake Lindemann

Blake Lindemann